

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	
)	4:08-CR-33-RLV-WEJ
JAMES BARTHOLOMEW HUSKEY)	

MOTION TO SUPPRESS STATEMENTS

The Defendant, JAMES BARTHOLOMEW HUSKEY, by and through his undersigned counsel, hereby moves this Court to suppress all statements made by Mr. Huskey following his arrest on June 16, 2008. In support of this motion, Mr. Huskey offers the following:

1.

In the indictment, Mr. Huskey is charged with producing child pornography in violation of 18 U.S.C. § 2251(a); distributing child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A); and receiving child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A).

2.

On June 16, 2008, federal and local law enforcement agents arrested Mr. Huskey at his home and interrogated him. The agents later transported him to a local jail and interrogated him a second time at that jail. On June 17, 2008, agents also interrogated Mr. Huskey during a drive to the federal courthouse. During these

interrogations, Mr. Huskey allegedly made various statements to the agents. The agents claims that Mr. Huskey waived his *Miranda* rights and voluntarily answered questions about this case.¹

3.

In order to admit any statements by Mr. Huskey at trial, the government must prove that the statements were made voluntarily, *see Jackson v. Denno*, 378 U.S. 368, 376-377 (1984), and following a knowing waiver of his constitutional rights. *Miranda v. Arizona*, 384 U.S. 436, 468-69 (1966).

Conclusion

For these reasons, Mr. Huskey respectfully requests that this Court conduct a pretrial evidentiary hearing, allow time for counsel to file a brief in support of the motion, and thereafter grant the motion to suppress the statements.

Dated: This the 8th day of August, 2008.

Respectfully submitted,

s/ W. Matthew Dodge
W. MATTHEW DODGE
GEORGIA STATE BAR NO. 224371
ATTORNEY FOR MR. HUSKEY

¹As of the filing of this motion, counsel is not aware of any other statements made by Mr. Huskey. The government has only provided counsel with notice of the statements discussed in this motion.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1C, and was electronically filed this day with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following Assistant United States Attorney of record:

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Dated: This the 8th day of August, 2008.

s/ W. Matthew Dodge
W. MATTHEW DODGE